THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:16-02-2006

WRIT PETITION No. 2970 OF 2006

BETWEEN:

Garikina Nookanna.

…Petitioner

And

District Collector, Visakhapatnam District, Visakhapatnam and another.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the second respondent in not registering nor enquiring into the petition filed by him on 24-11-2005 for restoration of land in an extent of 0.34 cents convered by Sy.No.156/2B of Chinagadili village, Visakhapatnam as illegal, irregular, Arbitrary and violative of the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act 1977.

It is stated that originally, an extent of 0.68 cents in Sy.No.156/2B of Chinagadili village of Visakhapatnam Rural Mandal of Visakhapatnam District was assigned in favour of the father of the petitioner vide proceedings in RC.No.63/79, dated 27-01-1979 by the then Tahsildar, Visakhapatnam and his father died in the year 1986. It is stated that the petitioner has been cultivating the said land without violating the conditions stipulated in D-Form patta, but, however, as many as 12 persons encroached into the said land,

dispossessing the petitioner. Therefore, the petitioner filed a petition under Section 4(1) of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 before the Mandal Revenue Officer, Visakhapatnam-Rural, Visakhapatnam-second respondent herein to evict the said encroachers who are in illegal possession. But, the Mandal Revenue Officer, Visakhapatnam-Rural has not considered and disposed of the said petition filed on 24-11-2005.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue.

I am not inclined to express any opinion whether the petitioner has violated the conditions of D-Form patta. When the petitioner filed a petition under Section 4(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act 1977, it is for the second respondent to consider and dispose of the said petition in accordance with law.

Having regard to the facts and circumstances of the case, the second respondent is directed to consider and dispose of the petition filed by the petitioner on 24-11-2005, after giving reasonable opportunity to the petitioner as well as the encroachers who are respondents in the said petition, within 10 weeks from the date of receipt of copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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V.ESWARAIAH, J

Date: 16-02-2006.

Shr.